

109TH CONGRESS  
2D SESSION

# H. R. 6049

To amend section 1729 of title 38, United States Code, to eliminate the authorization for the United States to recover or collect from health plans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2006

Mr. LATOURETTE introduced the following bill; which was referred to the  
Committee on Veterans' Affairs

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## A BILL

To amend section 1729 of title 38, United States Code, to eliminate the authorization for the United States to recover or collect from health plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ELIMINATION OF AUTHORITY TO RECOVER OR**  
4 **COLLECT FROM HEALTH PLANS.**

5 (a) AMENDMENTS IN GENERAL.—Section 1729 of  
6 title 38, United States Code, is amended—

7 (1) in subsection (a), by striking paragraphs  
8 (2)(D), (2)(E), and (3);

1           (2) in subsection (c), by striking paragraph  
2           (2)(B);  
3           (3) by striking subsection (h); and  
4           (4) in subsection (i), by striking paragraphs (1)  
5           and (3)(D).

6           (b) TECHNICAL AMENDMENTS.—

7           (1) Section 1729 of title 38, United States  
8           Code, is amended—

9                   (A) in subsection (a)(2)(B), by adding  
10                  “or” at the end;

11                  (B) in subsection (a)(2)(C), by striking the  
12                  semicolon at the end and inserting a period;

13                  (C) in subsection (c)(2), by redesignating  
14                  subparagraph (C) as subparagraph (B);

15                  (D) in subsection (i)(3)(B), by adding “or”  
16                  at the end;

17                  (E) in subsection (i)(3)(C) by striking the  
18                  semicolon at the end and inserting a period;

19                  (F) in subsection (i), by redesignating  
20                  paragraphs (2) and (3) as paragraphs (1) and  
21                  (2), respectively; and

22                  (G) by redesignating subsection (i) as sub-  
23                  section (g).

1           (2) Subsection (d)(4)(B) of section 1781 of title  
2       38, United States Code, is amended to read as fol-  
3       lows:

4       “(B) The term ‘third party’ means—

5           “(i) a State or political subdivision of a State;

6           “(ii) an employer or an employer’s insurance  
7       carrier;

8           “(iii) an automobile accident reparations insur-  
9       ance carrier; or

10          “(iv) a person obligated to provide, or to pay  
11       the expenses of, health services under a health-plan  
12       contract.”.

13          (3) Subsection (d)(4) of section 1781 of title  
14       38, United States Code, is amended by adding at  
15       the end the following new subparagraph:

16               “(C)(i) For purposes of subparagraph (B),  
17               the term ‘health-plan contract’ means an insur-  
18               ance policy or contract, medical or hospital  
19               service agreement, membership or subscription  
20               contract, or similar arrangement, under which  
21               health services for individuals are provided or  
22               the expenses of such services are paid.

23               “(ii) Such term does not include—

24                       “(I) an insurance program de-  
25                       scribed in section 1811 of the Social

1 Security Act (42 U.S.C. 1395c) or es-  
2 tablished by section 1831 of such Act  
3 (42 U.S.C. 1395j);

4 “(II) a State plan for medical as-  
5 sistance approved under title XIX of  
6 such Act (42 U.S.C. 1396 et seq.);

7 “(III) a workers’ compensation  
8 law or plan described in subparagraph  
9 (A) of subsection (a)(2) of section  
10 1729 of this title; or

11 “(IV) a program, plan, or policy  
12 under a law described in subpara-  
13 graph (B) or (C) of such subsection.”.

14 **SEC. 2. ABILITY TO RECOVER OR COLLECT ON EXISTING**  
15 **CLAIMS.**

16 The amendments made by this Act shall not effect  
17 the right of the United States to recover or collect reason-  
18 able charges for care or services provided before the date  
19 of enactment of this Act if such care or services were re-  
20 coverable or collectable when performed.

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